

COPY

NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM

PUBLIC HEARING

Held on
November 18, 2009

Regarding the NPDES Permit
Modification Application for
Discharge into Navigable Waters

BE IT REMEMBERED that the following proceedings
were had before me, TERRY M. PICKERING, a duly qualified
stenotype reporter and duly commissioned officer of the
State of Indiana, on Wednesday, November 18, 2009, at
Indiana University Northwest, 3400 Broadway, Savannah
Center Auditorium, Gary, Indiana, and commencing at the
hour of 6:00 p.m.

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1 MR. PIGOTT: Good evening. My name is Bruno Pigott.
2 I'm the assistant commissioner of the Office of Water
3 Quality at the Indiana Department of Environmental
4 Management. I wanted to welcome you to this public hearing
5 on the draft U.S. Steel permit. I want to thank you for
6 coming out tonight and caring about the environment and
7 caring about the work we do.

8 I want to talk just briefly about what we'll be talking
9 about tonight. First, I want to introduce the people next
10 to me. Most of the people in our agency that do our work
11 work pretty darn hard. I get to talk to most of the public,
12 but they do a lot of the work. So I want to introduce
13 them.

14 I want to talk a little bit about the purpose of this
15 hearing. I'd like to set out a few hearing guidelines. And
16 then I want to officially call the hearing to order and open
17 the hearing up and take a little bit of time to talk about
18 the permit.

19 But the most important thing is for us to hear from
20 you. So I will promise to try to limit what I say to about
21 15 minutes tonight, because what I want to get is your
22 perspective on the NPDES U.S. Steel draft permit that we've
23 got out for public notice tonight. After all, that's the
24 purpose of the public notice process.

25 So with no further ado, I'll introduce the IDEM staff

1 who's sitting beside me. First, I'll introduce John
2 Elliott. John Elliott works in our permits branch and is
3 one of the folks that helps calculate the limits in our
4 NPDES permits.

5 Second is Beth Noel. Beth Noel is the section chief
6 over our NPDES -- for those who aren't familiar with our
7 bureaucratic acronym, that stands for National Pollutant
8 Discharge Elimination System. Those are the permits that
9 are given to wastewater facilities, industries. Beth is the
10 chief of the section that drafts most of those permits.

11 And sitting next to her is Stan Rigney. Stan Rigney is
12 the staff member at IDEM that actually drafted this permit.

13 And then directly to my left is Paul Higginbotham.
14 He's the branch chief over our permitting branch. And as I
15 mentioned, our permitting branch issues permits for
16 dischargers who are discharging point source pollutants into
17 the waters in the state and limits the kind of pollutants
18 that are discharged from them. Paul is the chief. He's the
19 guy who directs business in that branch.

20 We've got a couple other people working in the back,
21 helping guide people into this hearing. Catherine Hess,
22 who's a longtime employee here at the State of Indiana, who
23 is very intimately familiar with our rules and NPDES
24 permits, and Matthew Carmichael and other special permit
25 writers. Those are the people that do all the work here at

1 the Department of Environmental Management.

2 I'd like to talk a little bit briefly about the purpose
3 of the public hearing tonight. We take your comments and
4 your concerns seriously, and we want to hear your views on
5 this draft wastewater permit. IDEM, once we hear your
6 comments and your concerns, will consider what it hears
7 tonight as well as what it receives in the mail from
8 residents and people who are concerned about this permit and
9 will determine whether or not we need to make further
10 changes to this permit.

11 In this hearing we want to make sure it goes in an
12 orderly and efficient manner because we want to hear the
13 views that you folks have. We've asked people who are
14 interested in speaking tonight to fill out a card and to
15 give it to us if you're interested in speaking. IDEM -- and
16 that's me, in terms of I will use those cards to go through
17 the list of people that will be called up to speak.

18 When I call on your name, please come to the
19 microphone, give us your name, and spell your name. We've
20 got a court reporter who will make a transcript of this
21 hearing. We want to make sure we get it all right so that
22 we can review the materials, not just from what we hear or
23 take notes on, but also from an accurate transcript. So
24 please tell us your name and spell it and any organization
25 you're with.

1 And what I'd really like to ask is that people respect
2 the views of everybody in the room. Sometimes, with the
3 issues that can cause controversy, there are different
4 views. We want to make sure that everyone's views are
5 heard. Please withhold applause or interruption or shouting
6 or anything that doesn't allow people to finish their
7 comments. We want to make sure your comments are focused
8 on -- that they focus on the contents of this NPDES permit.
9 And we want to make sure we get right what you say. So
10 please speak clearly, and we're interested in hearing what
11 you've got to say.

12 It's often the case that people who come to public
13 hearings think when they're walking out the door at the end
14 of the hearing, Gee, you know, I really wanted to say
15 something in addition to this, or, I forgot my most
16 important point because I was up at a microphone and I get a
17 little nervous about it. We're encouraging people who
18 forgot something they wanted to add to send us something.
19 Send us a letter. Send us your comments in writing. If you
20 have additional comments here tonight, please feel free to
21 send them to us at IDEM. They must be postmarked by the end
22 of our public comment period. That's November 30th. Get
23 them in the mail by November 30th, postmarked; and we'll
24 make sure we take a look at your comments, that we consider
25 them, and that we determine whether we need to make changes

1 in the permit based on your comments. So it's critical that
2 we get this information.

3 What do we do about your comments? Some people ask,
4 Well, are you gonna respond to the comments? Tonight, we
5 are gonna listen to your comments. But as part of the
6 permit decision-making process, we will respond to the
7 comments we heard, both in writing and in the public
8 hearing, within the documents that we issue. So there is a
9 response-to-comments section of the permit. If you put down
10 your e-mail address or your address, we'll make sure that
11 you folks are given a notice of any decision we make
12 regarding this permit. So we encourage you, even after
13 this, to submit your comments to us.

14 Before I go any further, I'd like to, for official
15 purposes, swear in the official reporter.

16 Terry Pickering, can you please stand up and raise your
17 right hand and state your name for me.

18 THE COURT REPORTER: Terry Pickering.

19 MR. PIGOTT: Do you solemnly swear that you will keep
20 complete and true notes of all that transpires in this
21 hearing and will prepare a complete transcript thereof from
22 your notes and faithfully perform all the duties imposed
23 upon you as official reporter under the laws of the State of
24 Indiana?

25 THE COURT REPORTER: I will.

1 MR. PIGOTT: Thank you very much, Terry.

2 Okay. Now that we've done that and the hearing has
3 begun, I'd like to talk a little bit about, in general
4 terms, our NPDES permit and then more specifically about
5 this specific permit.

6 First of all, NPDES permit -- NPDES stands for, as I
7 mentioned, National Pollutant Discharge Elimination System
8 permits. Any point source that is discharging pollutants
9 into waters of the state -- waters of the United States must
10 receive an NPDES permit in order to discharge to those
11 waters.

12 When entities receive permits from us, the permits are
13 composed of several specific sections. First of all,
14 there's always a cover page. Secondly, all NPDES permits
15 contain effluent limits, which are either based on
16 technology through federal effluent guidelines or what we
17 call "best professional judgment" -- that is the judgment of
18 our permit writer using available data information -- or
19 based on water quality based limits.

20 In addition to the cover page and effluent limit, there
21 are monitoring and reporting requirements in all NPDES
22 permits and there are special conditions. An example of a
23 special condition is a compliance schedule. Compliance
24 schedules, studies, evaluations, and other responsibilities
25 of a permittee are also included in the permit. And then

1 there's a whole host of standard conditions.

2 So when you look at this permit, if you already haven't
3 looked at it, those are the things you should be looking
4 for: Cover page, effluent limits, standard conditions,
5 special conditions, and monitoring and reporting
6 requirements. That might help guide you as you look at this
7 permit, even after tonight.

8 Let me talk a little bit about the U.S. Steel permit
9 itself. The last time this permit was issued was 1994; and
10 it was modified in 1996, 1997, 1998, and 1999. It has been
11 drafted since that time for reissuance. It was public
12 noticed in both 2003 and in 2007. And in 2007 there were a
13 good number of comments from the public. The agency, IDEM,
14 held two public meetings about this permit; and USEPA listed
15 several objections and held its own public hearing about
16 this permit. In addition to that, we received a lot of
17 comments in the mail from people like yourselves about the
18 permit.

19 As a result of that, we've made several changes to the
20 2007 permit to resolve both EPA's concerns and address the
21 concerns that we received from the public.

22 So what I'd like to do is talk about some of the
23 comments -- and this is by no means exclusive -- some of the
24 comments we received about the 2007 draft and what we've
25 done about them. This list that you see behind me contains

1 some of the comments we heard. We heard comments about
2 water quality based effluent limits. We heard comments
3 about toxic release inventory and antidegradation and its
4 applicability to this permit, as well as technology based
5 effluent limits, compliance schedules, different
6 requirements that were in the permit regarding cooling water
7 intake structures and storm water requirements. Many of
8 those questions and comments and concerns asked questions
9 about why didn't you do this or that. I'd like to talk to
10 you briefly about each one of these things or most of them
11 to tell you what we did do in response to the comments to
12 the 2007 draft permit.

13 First of all, regarding water quality based effluent
14 limits -- and, again, a reminder, that effluent limits can
15 be both water quality based effluent limits or technology
16 based effluent limits. When we received the comments from
17 the public in 2007, we decided that we needed to re-analyze
18 all of the new and existing stream and discharge data from
19 U.S. Steel. We also reexamined all the pollutants to
20 determine whether those pollutants could cause exceedance of
21 water quality criteria. In addition to that, where
22 necessary, we calculated new limits where the potential for
23 exceeding criteria existed, and we applied more stringent
24 water quality limits at final outfalls where technology
25 based limits were at internal outfalls and were less

1 stringent.

2 For members of the public who may not be aware, there
3 are outfalls that discharge to the Grand Cal and to Lake
4 Michigan. The outfalls that discharge to the Grand Calumet
5 River also sometimes have internal outfalls that discharge
6 to the Grand Calumet River. When we talk about these, we
7 talk about limits on both of those or some of those
8 outfalls, but there are both internal and external
9 outfalls.

10 So we significantly re-analyzed all the data. We took
11 a look at stream data and discharge data in reviewing
12 whether the water quality based effluent limits were
13 appropriate and whether they needed to be tightened.

14 In terms of toxic release inventory, several folks
15 raised concerns about numbers in toxic release inventory
16 information. It's important to remember what we call the
17 "TRI" or Toxic Release Inventory does not determine whether
18 water quality for a particular water body is necessarily
19 impaired. And they're not -- this information is an
20 important screening device that we use to evaluate whether
21 or not we need to take another look; but that data, in and
22 of themselves, are not appropriate for determining NPDES
23 permit limits for several reasons. One is that the data are
24 only annual summaries of expected pollutants. Two, that
25 this data provides no indication of the expected effluent

1 quality. Three, the data in the Toxic Release Inventory are
2 summarized by parameters that are defined in ways that are
3 often at odds or not consistent with the water quality
4 criteria and how it's expressed. And, fourth, they're
5 sometimes gathered differently than the data that we gather
6 for effluent quality and receiving stream water quality.
7 For all those reasons, the data, in and of itself, is not
8 the data that determines whether the water quality is
9 impaired and what kind of limits we impose in a permit.

10 There were several questions, as there has been since
11 other permits have been issued, about part of the Clean
12 Water Act that requires new or increased discharges to go
13 through a process that we call "antidegradation." In
14 antidegradation the concept is simple. Where the water
15 quality is better than the standards that we lay out, the
16 intention is to ensure that it remains better and that it's
17 not degraded. And if there is a need to degrade it, then
18 there must be a justification for that process.

19 The question that has been raised is whether or not
20 state and federal requirements regarding antidegradation
21 were met in the issuance of this permit. We took a look at
22 our explanation for how we conducted our evaluation of
23 whether antidegradation processes were needed, and we
24 greatly expanded in the fact sheet of our permit our
25 explanation as well as comparison tables in the attachments

1 to our fact sheet to explain our position on
2 antidegradation.

3 In addition to that, IDEM had not allowed an increase
4 in the permit limit for zinc at outfall 603, which is one of
5 the outfalls at U.S. Steel; and several pollutants added at
6 outfall 604 were previously authorized in the permit, but
7 the limits were not applied in the previous permit. And,
8 therefore, we believe that we've met all of the state and
9 federal requirements regarding antidegradation.

10 Some people raised questions about technology based
11 effluent limits. IDEM used more in this new permit that has
12 been drafted and is before the public today; we issued more
13 stringent federal guideline limits for the coke plant
14 discharge. We call that outfall, outfall 501. We used more
15 stringent mass limits at outfall 604. The internal outfall
16 508 has been removed, and the changes that are mentioned
17 represent an overall reduction in mass quantities from the
18 2007 draft permit.

19 One of the big issues that was raised by the public, by
20 EPA, was compliance schedules. Compliance schedules are
21 things that a permitted entity can request. It can request
22 more time to implement technologies so that it can meet the
23 limits that are in its permit. A permitted facility has the
24 ability to ask for up to five years to comply with the terms
25 of a new permit limit. And we received comments that those

1 compliance schedules that were in the draft 2007 permit were
2 not sufficiently justified. Compliance schedules we took a
3 look at again. Compliance schedules were shortened for
4 benzo(a)pyrene at outfall 005 -- that's the first outfall
5 at U.S. Steel -- to 34 months, and outfall 010 to 24
6 months. Compliance schedules for whole effluent toxicity,
7 and limits were placed at outfall 005.

8 We eliminated several compliance schedules for free
9 cyanide, copper, zinc, ammonia at outfall 40, which is being
10 taken out of service.

11 One of the big issues that we faced, however, was a
12 compliance schedule for mercury. Mercury compliance
13 schedule provisions were tightened. We asked U.S. Steel to
14 provide us with more information, more monitoring data to
15 justify their request for compliance schedule; and mercury
16 compliance schedule provisions were as a result of receipt
17 of that data, tightened to reflect the U.S. Steel commitment
18 to aggressively pursue measures necessary to achieve the
19 limits for mercury in its permit. It's a new permit limit
20 of 1.3 nanograms per liter.

21 And there are new elements specifically that they have
22 to do: Conduct an engineering evaluation of the
23 technologies, select control technologies or best practices,
24 and install control technologies that get them to meeting
25 the mercury limit.

1 We also received comments about temperature in
2 compliance schedules. And the new permit in 2009 contains
3 three compliance locations actually closer to the outfalls
4 that discharge at temperatures that are high, closer to
5 outfalls in the Grand Calumet River. It also is giving,
6 because there are new compliance points, one year to install
7 equipment that helps monitor what the temperature is as well
8 as two years to meet temperature limits. But all the while
9 that they're doing this, they must continue demonstrating
10 that they meet compliance at the current compliance
11 locations of Broadway and Clark Street.

12 Cooling water intake structures were addressed. We
13 have required U.S. Steel to conduct studies at pump stations
14 to ensure that the best technology available continues to be
15 used to minimize adverse environmental impacts at cooling
16 water intake structures. For those who aren't aware,
17 cooling water intake structures bring water into the
18 facility; and the water comes in at certain speeds of permit
19 limits, the intake speed to 0.5 feet per second. And the
20 purpose of that is to preserve the aquatic life that is in
21 and around those intake structures. And the permit now has
22 a complete written basis for the determination of these
23 studies in its fact sheet.

24 Storm water is an issue that's raising awareness around
25 the country. In the U.S. Steel permit we have expanded

1 storm water requirements to require semiannual monitoring.
2 We have specific storm water conditions that have been
3 added, non-numeric storm water conditions, as well as a
4 requirement that there's an update to the pollution
5 prevention plan based on EPA's latest storm water permit
6 language so that it's the most up-to-date, most current
7 storm water requirements.

8 In summary, these are the things, some of the things,
9 that have changed about the U.S. Steel permit since 2007.
10 We've reassessed water quality based effluent limits. We've
11 reexamined stream data; we have reexamined outfall data; and
12 we've examined water quality based limits. We reassessed
13 technology based effluent limits. We have put in place
14 appropriate compliance schedules. Some were shortened, some
15 were eliminated, and all were justified.

16 We added free cyanide limits at outfall 010; we reduced
17 the concentration of free cyanide to meet the current permit
18 load at outfall 005; we've put in more stringent ammonia
19 limits at internal outfall 501; we've enhanced storm water
20 requirements; and we have ensured that the permit reflects
21 closing of outfall 017, 040, and internal outfall 508; and
22 we've enhanced our cooling water structure intake
23 requirements.

24 These are some of the changes that have been made in
25 the permit since 2007. We're interested in hearing from you

1 about your perspective on what you saw when you looked at
2 that permit. I'd like to welcome you folks to come up and
3 present us with your comments. I'd ask that, when you come
4 up to the microphones, again, just a reminder that you
5 announce who you are and you spell your name and then you
6 speak.

7 I'm going to ask Peter Swenson from USEPA, who is in
8 attendance tonight, to come up and talk about the EPA role
9 in this process briefly. And then I'd like to call on a
10 representative from U.S. Steel, and then I'll start working
11 our way through the comment cards that I received.

12 So, Peter, could you take just a minute to talk to us
13 about the USEPA role.

14 MR. SWENSON: Thank you, Bruno. My name is Peter
15 Swenson. It's S-w-e-n-s-o-n. I'm the chief of the NPDES
16 program's branch for USEPA Region 5. My office is
17 responsible for overseeing NPDES permitting in six states
18 within the Great Lakes region, including Indiana. And,
19 basically, our role with respect to state issued permits is
20 to make sure that they comply with federal requirements.

21 We did have a particular role in the U.S. Steel
22 permit. As Bruno mentioned, in 2007, EPA objected to a
23 number of provisions in the permit that was draft at that
24 time. And in December of 2007, EPA held a public hearing on
25 its objection in this space. And we took comments both at

1 that hearing and by e-mail and U.S. Mail as well.

2 Since that time, EPA has worked with IDEM very closely
3 to resolve concerns that we had with the permit and also to
4 object -- or excuse me -- to address comments that were
5 received from the public. We have also developed a response
6 to the comments that were provided to us based on our public
7 hearing, and we have reviewed the draft permit that IDEM has
8 drafted in response to comments and to our objections.
9 Based on that review, EPA withdrew its objection to the
10 previous draft permit, and that was dated October 15th of
11 2009.

12 Like IDEM, EPA is very interested in public comments on
13 the new draft permit and will also be interested in
14 reviewing any changes that might accrue from comments that
15 are received.

16 I also want to mention that a number of documents have
17 been posted on EPA's website that may be of interest to you,
18 including responses that we developed to comments that we
19 received, the letter that withdraws our objection to the
20 former draft permit, and the rationale for that decision.
21 So, if you have an interest in viewing that information,
22 that's all available on EPA Region 5's website.

23 Thank you.

24 MR. PIGOTT: I'd like to call on Sharon Owen. If you
25 would like to come, Sharon. Just a reminder, introduce

1 yourself and spell your name for the reporter.

2 MS. OWEN: Good evening. My name is Sharon Owen. It's
3 O-w-e-n. And I'm the general manager of U.S. Steel Gary
4 Works. On behalf of the U.S. Steel employees in the state
5 of Indiana, I would like to thank you for the opportunity to
6 speak here tonight.

7 Gary Works is U.S. Steel's largest plant and largest
8 steelmaking facility in North America. Gary Works was built
9 in 1906 and employs more than 4,900 people, who make
10 high-quality, value-added steel for the container,
11 construction, and the automotive industry.

12 Environmental stewardship is a core value for our
13 company and something that we take very seriously. We are
14 committed to ensuring that Gary Works is an active partner
15 in our region's environmental community. This is because we
16 live here, our families live here, our friends live here,
17 and we do want to enhance the sustainability of our
18 community. We have actively sought to enhance our
19 community's environmental landscape.

20 Part of our commitment to environmental stewardship is
21 our dedication to being in compliance with all environmental
22 laws and regulations. We have invested hundreds of millions
23 of dollars in technology to meet increasingly strict
24 environmental standards, and we are 100 percent committed to
25 being in compliance with the 2009 draft NPDES permit.

1 The draft permit is more stringent than our current
2 operating permit. It provides even higher standards for the
3 protection of human health, safety, and the environment.
4 For example, the draft permit goes above and beyond the
5 extensive monitoring that we conduct today. We at Gary
6 Works will be required to conduct additional significant and
7 substantial monitoring, including continuous monitoring and
8 24-hour composite monitoring as part of this new permit.
9 Nearly 15 percent of the limits in the 2009 draft permit are
10 more stringent than our current permit. Approximately
11 one-third of the permit limits in the 2009 draft are
12 entirely new requirements. The 2009 draft permit, as
13 compared to the current operating permit, contains no
14 increases in discharge limits.

15 U.S. Steel will be an industry leader in addressing
16 mercury discharge levels by evaluating lower mercury-
17 containing chemicals, continuing to identify and remove
18 mercury sources, and conducting trials to identify effective
19 control technology. And we are committed to making an
20 extensive financial investment to construct additional
21 control technology.

22 As I stated, we are committed to full environmental
23 compliance. We will continue to work with IDEM, USEPA,
24 environmental stakeholders, and the community to ensure our
25 compliance with the draft permit to improve the water

1 quality in Lake Michigan and the Grand Calumet River.

2 Thank you.

3 MR. PIGOTT: I'd like to call Ann Alexander please.

4 MS. ALEXANDER: Good evening. My name is Ann Alexander
5 from the Natural Resources Defense Council. That's A-n-n,
6 A-l-e-x-a-n-d-e-r.

7 We recognize that a lot of hard work on the part of
8 many people has gone into making this permit better than the
9 version we commented on in 2007. We raised a host of very
10 serious concerns at that time regarding numerous
11 shortcomings in the permit, and we appreciate that the USEPA
12 saw fit to use its authority to step in and help create a
13 better permit and that many of our concerns have been
14 addressed in the version we have before us today.

15 We also appreciate that both U.S. Steel and IDEM have
16 made a real effort to reach out to the environmental
17 community to talk about the various complex technical issues
18 that are in play in this permit. We sense a genuine desire
19 to talk these problems through, and we hope that the spirit
20 of cooperation can continue as we work through the issues
21 that are raised in this permitting proceeding.

22 However, while we're appreciative of the improvements
23 and all the effort that went into them, a number of the
24 concerns we raised two years ago do remain unaddressed.
25 These concerns go to the heart of ensuring that the permit

1 protects the water quality of the state of Indiana and that
2 it complies with the requirements of the federal Clean Water
3 Act. A lot of good progress has been made on this permit in
4 the last two years, but it's essential that these
5 outstanding issues also be addressed.

6 I would emphasize, in making these comments, that we
7 recognize the very positive economic role that U.S. Steel
8 plays in Northwest Indiana. We, in the environmental
9 community, value very much the relationships we're building
10 with the labor community and we look forward to those
11 relationships continuing. We believe at the end of the day
12 that our fundamental interests are aligned. We all want
13 both jobs and a better environment for ourselves and our
14 children. It's my hope that my comments today will be
15 received in that understanding. Our goal is not in any way
16 to harm U.S. Steel or to many in this region who make their
17 livelihood there. It's rather to make sure that this
18 particular permit and permits that may follow comply with
19 the law and protect everyone in the region who's affected by
20 this U.S. Steel facility.

21 We will be submitting detailed written comments
22 describing our concerns before November 30th. Today, I'm
23 gonna summarize what we anticipate stating in those
24 comments.

25 First of all, with respect to storm water, in 2007, we

1 commented regarding the failure of the permit to adequately
2 address storm water runoff, which is a substantial source of
3 the pollutants entering our waterways through the U.S. Steel
4 facility. In particular, we noted that the 2007 permit did
5 not comply with legal requirements governing the Storm Water
6 Pollution Prevention Plan or SWPPP. The SWPPP really is at
7 the heart of the application of the general requirements
8 that govern storm water best management practices at U.S.
9 Steel's facility. In 2007, we provided very extensive legal
10 authority for the proposition that the SWPPP, this very
11 important document, has to be made part of the permit itself
12 so that these site-specific requirements are going to be
13 subject to public comment and full agency review.

14 Now we appreciate that IDEM has taken the step of
15 actually posting the SWPPP on its website, because the SWPPP
16 had not been available to either IDEM or the public in
17 2007. However, this step is not sufficient to comply with
18 the requirements of law. We ask that IDEM comply with the
19 Clean Water Act requirement of making the SWPPP a part of
20 the permit.

21 Secondly, with respect to technology based effluent
22 limitations, we commented in 2007 regarding the failure of
23 the permit to impose the technology based best available
24 technology pollution limits that are required by the Clean
25 Water Act. That concern has been partially addressed by

1 IDEM, but it has not been fully addressed. We note, for
2 instance, that limits were added at the outfalls that we
3 were concerned about for benzene and ammonia, but the limits
4 for chloride have still gone missing in the 2009 draft as
5 compared to the 1999 amendment.

6 Also, we note that U.S. Steel has submitted a toxic
7 release inventory report to U.S. Steel indicating it's
8 discharging 1.6 million pounds per year of nitrate
9 pollution, which can contribute to aquatic die-off. This is
10 the largest amount of any single pollutant released in
11 surface water by the facility, but the draft permit has no
12 technology based limit for the permit.

13 I would just comment with respect to the presentation
14 regarding the toxic release inventory, we recognize that
15 it's not necessarily an appropriate document to use to set
16 limits; however, our point here is simply that the release
17 inventory indicates a very large amount of this pollution
18 going into the waterways. It's clearly a Clean Water Act
19 regulated pollutant. It clearly requires a technology base
20 limit.

21 Third, with respect to the cooling water intake
22 structures, these are the structures that suck in large
23 amounts of lake water and have the potential to cause
24 aquatic life damage in doing so. We commented in 2007 that
25 the permit reflected none of the analyses of cooling water

1 intakes that are required under Clean Water Act Section
2 316(b) .

3 In the current draft, there is language reflecting a
4 recognition that these requirements apply. The requirements
5 themselves, however, are not fully complied with in this
6 permit. We do appreciate that IDEM has added a requirement
7 that U.S. Steel study the issue, but these studies of the
8 aquatic life problem do not, by themselves, meet the
9 requirements of Clean Water Act Section 316(b) .

10 Specifically, that section required IDEM to use its best
11 professional judgment to determine what constitutes best
12 technology available, or BTA, to prevent these intake
13 structures from impinging or entraining fish, which
14 basically means sucking them in or smashing them against
15 screens, but, in any event, killing them.

16 In its permit, IDEM claims to have performed that
17 analysis and then concluded that best technology available
18 consists of exactly what U.S. Steel already has in place.
19 We find this conclusion inherently not credible, and we also
20 find that very little in the permitting document back it
21 up. First off, IDEM calculated -- excuse me -- IDEM
22 evaluated all of the many intake structures together but did
23 not make a determination for each intake structure
24 individually, which really does not make a lot of sense to
25 us, given that the intakes are different from one another.

1 Pump Station No. 1, according to the permitting document,
2 does not even have a fish return system; and the permit fact
3 sheet acknowledges that there was a major fish impingement
4 event there years ago. But the draft permit finds at one
5 that the fish return system is best available technology at
6 every pump station that has a fish return system, except for
7 the pump station that doesn't, where lack of a fish return
8 system is best technology available. We do think that IDEM
9 can do better than that in its analysis.

10 Finally, with respect to the studies that IDEM is
11 requiring U.S. Steel to do, while it's a step in the right
12 direction, we think it's imperative that IDEM better define
13 the analytical methods that will be used in these studies.
14 Right now under the permit as it is currently drafted, the
15 methods that will be used in those studies are completely
16 within the discretion of U.S. Steel, save for a few vague
17 admonitions that the studies need to be conducted in a
18 scientifically valid manner.

19 Lastly, with respect to monitoring, I would note that
20 we commented extensively in 2007 regarding IDEM's
21 unexplained efficient review decision to reduce the amount
22 of monitoring required for some very harmful and toxic
23 pollutants. In this draft, while in a few cases IDEM did
24 increase the frequency of the monitoring above what it was
25 in the 2007 draft, in most cases that we flagged, the

1 frequency of monitoring is still less than in the current
2 permit. We would ask that IDEM either explain this decision
3 to reduce monitoring frequency below what it is in the
4 existing permit or else put back the frequency requirement
5 that's in that permit.

6 Once again, we very much appreciate all of the efforts
7 that have gone in to revising this permit. We know it's
8 been two years and very hard work. We're raising these
9 issues today because we believe IDEM has demonstrated
10 through its hard work on this permit a willingness to buckle
11 down and do what's necessary to improve it. We ask that
12 IDEM take that effort to the finish line and make this
13 permit a model for others that will be issued in the days
14 ahead.

15 Thank you.

16 MR. PIGOTT: Thank you.

17 MS. ALEXANDER: I have written comments. Should I give
18 them to the reporter?

19 (Ms. Alexander leaves a

20 document with the court reporter.)

21 MR. PIGOTT: Justin Rich.

22 MR. RICH: Well, good evening. The first thing I want
23 to do is introduce my name, and that's Justin Rich. I work
24 for Tube City IMS. The last name is spelled R-i-c-h.

25 I want to thank you, first of all, for allowing me to

1 share my thoughts with you. I appreciate that IDEM has
2 allowed public stakeholders the opportunity to provide
3 statements as it relates to the Gary Works permit.

4 I'm a safety and environmental manager for Tube City
5 IMS inside U.S. Steel for the Midwest region here. Tube
6 City IMS has had a long relationship with U.S. Steel. We've
7 had a relationship with them at U.S. Steel Gary Works for
8 over 30 years, working as a partner in various facets of
9 their steelmaking facility and operations with
10 transportation services that we provide also.

11 Over the many years it's been apparent as to the level
12 of importance and responsibility that U.S. Steel Gary Works
13 takes in addressing environmental compliance. This can be
14 seen given their near perfect record on environmental
15 compliance. This permit has more stringent requirements,
16 and all of us that work within the framework of U.S. Steel
17 will be required to assist in continuing with the high level
18 of compliance that is expected.

19 This permit renewal provides a sensible approach to
20 providing the needed requirements toward the protection of
21 the natural resources of Northwest Indiana. In turn, it
22 also allows a company that is such an important part of the
23 Northwest Indiana history in our community to continue to
24 provide a source of employment for so many that call this
25 region their home.

1 And, lastly, the continued goal that U.S. Steel has to
2 remain an industry leader by complying with all the laws and
3 regulations geared toward protecting the environment and
4 natural resources is one that our organization also shares
5 and sustains. The permit will allow us to continue with our
6 support of U.S. Steel Gary Works and the entire Northwest
7 Indiana region.

8 Thank you.

9 MR. PIGOTT: Rafael Cruz. Is there a Rafael Cruz?
10 Okay.

11 Angie Ziech. Angie, did I pronounce your name
12 correctly? Ziech?

13 MS. ZIECH: Hi. My name is Angie Ziech, A-n-g-i-e,
14 Z-i-e-c-h; and I'm a water quality intern for the Alliance
15 for the Great Lakes, a nonprofit organization that advocates
16 on behalf of the Great Lakes and the people who've enjoyed
17 them for decades.

18 The Alliance's mission is to conserve and restore the
19 world's largest fresh water resource using policy,
20 education, and local efforts, ensuring a healthy Great Lakes
21 and clean water for generations of people and wildlife.

22 The Alliance has worked in cooperation with the U.S.
23 Environmental Protection Agency, the Indiana Department of
24 Environmental Management, United States Steel, and others to
25 ensure that the U.S. Steel discharge permit adequately

1 protects water quality. We are pleased that many of the
2 Alliance's concerns with the 2007 draft permit have been
3 addressed, including adding more specific mercury reduction
4 requirements. We thank IDEM, EPA, and U.S. Steel for their
5 efforts in resolving these issues. The Alliance appreciates
6 being able to work cooperatively with the parties involved
7 and their willingness to receive and consider our comments.

8 The Alliance supports the detailed technical comments
9 submitted by the National Resource Defense Council and the
10 Environmental Law and Policy Center and provides these
11 additional comments specific to storm water management,
12 arsenic, and lead.

13 To improve water quality and human health in the Great
14 Lakes, Lake Michigan, and the Grand Calumet River, the
15 Alliance urges IDEM to modify the 2009 draft permit to
16 include stricter pollution limits on lead, strict arsenic
17 limits and monitoring requirements, increased storm water
18 management requirements to prevent polluted runoff from
19 reaching surface waters, increased monitoring of storm water
20 runoff, including monitoring for lead and arsenic.

21 According to USEPA's most recent toxic release
22 inventory data from 2008, U.S. Steel reported that its Gary
23 Works plant discharged more than 1,400 pounds of lead and
24 120 pounds of arsenic in one year into Lake Michigan and the
25 Grand Calumet River making U.S. Steel the third largest

1 discharger of arsenic and lead in the region. Given the
2 adverse health effects of arsenic and lead contamination the
3 Alliance encourages IDEM to go further to reduce these
4 discharges from the facility. The Alliance is also
5 concerned about inadequate storm water pollution prevention
6 and monitoring, given that the majority of the lead and
7 arsenic that makes its way into surface water comes from
8 storm water runoff.

9 The permit must ensure that U.S. Steel's storm water
10 pollution prevention plan is updated to include more
11 thorough details of control measures and best practice
12 management techniques to prevent storm water contamination.
13 The pollution prevention plan should also document in detail
14 storm water monitoring and inspection procedures. Increased
15 monitoring is necessary to identify or control measures that
16 are sufficient that lead emissions is improved.

17 The Alliance is currently in discussions with U.S.
18 Steel Environmental Compliance Department, which is
19 providing additional information regarding lead and arsenic
20 emissions. The Alliance is also waiting for a response from
21 IDEM regarding arsenic emissions. These responses will be
22 incorporated into our final comments, which will be
23 submitted before the November 30th deadline.

24 Thank you.

25 MR. PIGOTT: Thank you, Angie.

1 I'm gonna call Rafael Cruz again. Is Rafael here? I
2 don't know if Rafael is still here.

3 Chris Oprandi.

4 MR. OPRANDI: Hi. I'm Chris Oprandi, C-h-r-i-s,
5 O-p-r-a-n-d-i. I am a general manager with TestAmerica
6 Environmental Laboratories, which is an independent
7 analytical testing laboratory. TestAmerica has been doing
8 business with Gary Works for more than ten years. Our
9 laboratory and personnel provide the sampling and chemical
10 analysis support for the Gary Works discharge permit.

11 We also conduct the testing for the groundwater
12 monitoring program, the process water monitoring program,
13 and other nonroutine projects.

14 The strength of Northwest Indiana's economy is directly
15 attributable to the success of Gary Works, which has been an
16 independent part -- or I mean an important part of the
17 community for more than a hundred years. U.S. Steel
18 provides employment to approximately 7,000 people in the
19 region, 4,900 of which are directly tied to Gary Works.

20 In addition to having an annual economic impact of
21 nearly \$700 million, U.S. Steel has been a significant
22 contributor to the local tax base. Local area companies
23 like ourselves depend on the success of Gary Works'
24 operations.

25 I firmly believe that Gary Works has the best interest

1 of the community in mind. I know they are striving every
2 day to become more environmentally conscious and more
3 efficient, as we are directly involved in this aspect of
4 their business. They have been compliant with the previous
5 guidelines laid out in the permit issued in 1994 and have
6 operated here for years without any major environmental
7 incidents.

8 The new permit is more stringent on the plant's
9 discharges and more closely guards the Grand Calumet River
10 and Lake Michigan.

11 On behalf of the 40 workers employed locally in
12 Valparaiso by my company and the families they support, I
13 urge IDEM to issue the new permit.

14 Thank you very much.

15 MR. PIGOTT: Charlotte Read.

16 MS. READ: My name is Charlotte Read. I'm with the
17 Save the Dunes Council and with the Izaak Walton League.
18 These are my personal comments, as I'm sure that Save the
19 Dunes and possibly the Izaak Walton League will be
20 submitting formal comments by November 4th -- wait --
21 November 30th.

22 I want to talk about the temperature requirements. It
23 sounds like the permit is looking for better monitoring,
24 more timely monitoring. But, ultimately, if I'm reading the
25 permit correctly, the Grand Calumet River, where you have a

1 mixing zone of 100 feet before you -- 100 feet downstream
2 from the three outfalls that are covered, 005, 020, and 030,
3 that the temperature table says that you can't exceed the
4 temperatures more than 3 degrees Fahrenheit, which means
5 July -- June to August temperatures in the Grand Calumet
6 River can exceed 93 degrees Fahrenheit.

7 The Save the Dunes Council and other groups are very
8 concerned about the free cyanide, having more restricted
9 free cyanide requirements to protect the salmonids. But if
10 you're going to almost cook them before they get to them,
11 proper cyanide could be a problem we may not be solving. We
12 may be solving one problem and not solving another. Is
13 there no way in this permit to require some sort of
14 mechanism to reduce temperatures that could be up to 93
15 degrees Fahrenheit for four months? That's an awful long
16 time.

17 When you get to Lake Michigan, the temperature
18 requirements will be 83 degrees for three months in the
19 summer. Again, possibly less than you have in the Grand
20 Calumet but I am not sure. The temperature limits, even
21 though the monitoring will be more increased, I hope it will
22 ultimately lead to ways for the company to reduce those
23 temperatures and the impact that they certainly have on
24 aquatic life in both the Grand Cal and Lake Michigan.

25 I think -- I agree with -- I do agree with the comments

1 on the storm water requirements. They are not sufficient.
2 At a very nice public meeting that U.S. Steel held November
3 4th in Gary at the IU campus, they did have a copy of the
4 current storm water pollution prevention plan; but I'm
5 assuming that what is being sought, and should be sought, is
6 a much more comprehensive storm water pollution prevention
7 plan. And I agree with NRDC that it should be in the
8 permit. You know, certainly you'll increase the length of
9 the permit. And I think one of the concerns I have about
10 the storm water pollution prevention plan, unless it is in
11 the permit, is how will we know when control measures are
12 not achieving their intended effect in minimizing pollutant
13 discharges? It's pretty hard to figure out. That would be
14 impossible to figure out unless we had reports, that the
15 public availability of reports that the compliance that is
16 proposed in this permit will show or not show that the
17 minimizing pollution prevention plan is actually achieving
18 its intended goals.

19 I'm also concerned, including the pollutant storm
20 water, where did the discharges for the Mason Basin and the
21 coal handling yard -- they don't discharge to any streams.
22 They must discharge somewhere. It is not clear from either
23 the permit or the fact sheet where they go.

24 MR. PIGOTT: Charlotte, can I just ask a question? You
25 said the coal handling and what else?

1 MS. READ: Huh?

2 MR. PIGOTT: You asked where they discharge to, the
3 coal handling and...?

4 MS. READ: The coal handling yard and the Mason Basin.

5 MR. PIGOTT: Okay. Just a clarification for --

6 MS. READ: It's just that they don't discharge -- their
7 storm water, if they don't discharge into any waterway, they
8 must go somewhere. I'm assuming it's groundwater into the
9 ground but it does not say.

10 And I want to confirm that the company does not intend
11 to apply for a streamlined mercury variance. It has been
12 stated informally. I hope that will become a requirement.

13 Also on outfalls 041 and 041-B, as we recall -- and I'm
14 sure you know as well as we do -- that those discharges,
15 while small, were operating for a long time without being
16 covered in the permit. And then when the lake water levels
17 dropped, that's when they discovered that there were two
18 outfalls that had not been covered in the permit. They are
19 now acknowledged in here, but is there any mitigation, or
20 enforcement with mitigation preferred, for the long time
21 that these two discharges were discharging without public
22 knowledge and presumably without agency knowledge into Lake
23 Michigan? And I think that should be attended to, because
24 they did discharge some things that were things you don't
25 really want to have going into Lake Michigan without knowing

1 it: zinc, oil and grease, total residual chlorine, and
2 zinc.

3 And the permit should require that it is necessary for
4 the U.S. Steel monitoring reports to go, not only to IDEM,
5 but to EPA.

6 And I do agree that the permit appears to be better.
7 We are pleased with the cyanide. The free cyanide
8 requirements seem to have been resolved, at least for part
9 of the year. But if you're cooking the fish at 93 degrees
10 in the Calumet River, it doesn't help very much.

11 I do appreciate the fact that the permit, this big
12 permit, does have an index so you don't have to flip through
13 pages and pages and pages trying to find what you're looking
14 for.

15 And the other thing that I have, this refers to page
16 99-A, the second paragraph. It's talking about requirements
17 to -- if you discover that you've been discharging BCC and
18 don't know about it and do find out about it, you have to
19 report that. But it refers to 327 IAC 5-2-11.3(B)3 through
20 6. This also applies to discharges to Lake Michigan, I
21 assume, and a tighter BCC standard does apply to Lake
22 Michigan, which is an outstanding state resource water. So
23 with that, page 99 of the permit, you must add 327 IAC
24 5-2-11.7 for Lake Michigan and the requirements that would
25 be referenced for BCC in outstanding state resource water.

1 Thank you.

2 MR. PIGOTT: Thank you, Charlotte.

3 Patrick Gorman.

4 MR. GORMAN: My name is Patrick Gorman, G-o-r-m-a-n.

5 Good evening. My name is Patrick Gorman, and I'm the
6 facilitator for the Indiana Steel Environmental Group. The
7 Indiana Steel Environmental Group is a coalition of Indiana
8 steel companies established to focus on environmental
9 matters of concern to its members. Indiana Steel
10 Environmental Group consists of membership from
11 ArcelorMittal Indiana Harbor, Inc.; United States Steel Gary
12 Works; United States Steel Midwest Plant; ArcelorMittal,
13 Burns Harbor; and NuCor Steel in Crawfordsville, Indiana.

14 Together, these companies operate facilities in Indiana
15 that produce over 18 million tons of steel annually and
16 directly employ over 10,000 people. In addition, it is
17 estimated that an additional 100,000 people are employed by
18 other firms that provide services to these facilities. As a
19 result, these facilities provide vital regional economic
20 contributions as well as having significant influence on
21 both the state and national economies.

22 These companies operate facilities that require NPDES
23 discharge permits or industrial pretreatment discharge
24 permits. Over the past several years, the Indiana
25 Department of Environmental Management has worked to reduce

1 the number of administratively extended permits in Indiana
2 and has reduced the backlog of such permits from 263 to just
3 25 permits. The Indiana Steel Environmental Group strongly
4 supports Indiana's goal to reduce the backlog of these
5 expired permits that have been administratively extended.

6 Indiana Steel Environmental Group believes that the
7 NPDES permitting process should be carried out in full
8 accordance with the established provisions contained within
9 the Clean Water Act and Indiana's Administrative Code, not
10 more or less. The Clean Water Act provides the established
11 framework for issuing permits that has been incorporated
12 within the Indiana Administrative Code through significant
13 public review, comment, and EPA's final approval. This
14 process ensures that the code contains, at a minimum, all of
15 the required elements mandated by the Clean Water Act. The
16 ground rules developed for the permitting process were
17 established many years ago based on sound science and allow
18 for public review and discussion before EPA's approval and
19 state implementation. These rules are the foundation for
20 providing permit ensurity for all stakeholders and those
21 managing these permit programs. These rules must now
22 continue to be followed.

23 The Indiana Steel Environmental Group supports IDEM in
24 its renewal of the United States Steel NPDES permit. This
25 permit renewal recognizes and addresses the concerns

1 previously raised by both the public and USEPA.

2 In summary, the Indiana Steel Environmental Group urges
3 the USEPA to support the process of the state issuing timely
4 NPDES permits that are protective of human health and
5 environment under the Clean Water Act with limits that are
6 developed and supported by sound science. These permits,
7 properly issued and protective of human health and
8 environment, are in everyone's best interest.

9 Thank you for your respectful consideration of these
10 comments.

11 MR. PIGOTT: Thank you.

12 Dave Meisinger.

13 MR. MEISINGER: Thanks. M-e-i-s-i-n-g-e-r.

14 My name is Dave Meisinger. These are my personal
15 comments.

16 I'm here today as somebody who surfs in the Great
17 Lakes. My 13-year-old son and I surf throughout Lake
18 Michigan, including in this, what we call, the south end
19 here on the shoreline of Indiana. We surf year-round, which
20 includes late fall and winter months when many of the water
21 quality standards are relaxed, which means that when we are
22 in the water at those times, all the wastes, at best, were
23 probably at the greater health risk when we're enjoying that
24 recreational activity.

25 From what I can tell -- and, again, I'm just making

1 these comments as an individual. The right to surf is a
2 protected legal right in the state of Indiana. I come to
3 that conclusion because, first of all, the right of the
4 public to use the navigable waters in the state is something
5 that's been, I think, recognized for recreational purposes
6 for probably 150 years by the state courts.

7 Also, looking at the regulations in this state, surfing
8 is an existing use under your water regs. It's also a
9 designated use under your regs because it's a full-body
10 contact recreation as defined, meaning direct contact with
11 water to the point of complete submergence.

12 I go through those definitions because I think it's
13 important to understanding the rights that we have as
14 surfers and how they're legally protected under Indiana
15 law. And, frankly, I think they're jeopardized, at least in
16 part, by this permit if it were to be issued as currently
17 drafted.

18 All the waters that are relative to this permit are
19 what are also defined as waters of the Great Lakes system;
20 and all of those waters are designated under your
21 regulations for full-body contact recreation, which includes
22 surfing. Now, I think all these waters have other
23 designations as well, including all the waters that are in
24 the Lake Michigan portion are designated for supporting the
25 same fishery. I believe all of them, and certainly Lake

1 Michigan, are designated for public water supply. And I
2 know that all the waters we're talking about today are
3 designated for industrial water supply.

4 So, obviously, a lot of this water is being used for a
5 lot of different purposes, and being that -- a designated
6 use, obviously, has a legal designation. And I think an
7 important question is, while you have multiple designations,
8 they have to be reconciled how you do that. Your
9 regulations provide for that as well, and I think it's an
10 important question to ask. And from what I can tell, it
11 says that when you do have more than one designation, it
12 says that you have to basically regulate to the most
13 protected of those uses. And I think that's important
14 because, again, all the water that we're here talking about
15 today is designated for -- and I'm just gonna refer to it as
16 surfing or swimming.

17 And I think the net result of that is you have to --
18 with respect to all the waters, all the open waters of Lake
19 Michigan that are within Indiana and all of the Grand
20 Calumet River that we're talking about, if you're choosing
21 between industrial use or surfing, it has to be protected
22 for surfing. And, again, in my view, what that means is we
23 have to regulate for achieving a water quality standard that
24 actually safely allows that activity.

25 So I break that down as saying my son and I should be

1 able to -- or anybody else who, you know, has the
2 inclination to go surfing should be able to, without
3 assuming any type of unreasonable health risk, surf in the
4 Lake Michigan or the Indiana portion of the open waters of
5 Lake Michigan without assuming any unreasonable health
6 risk. That's a right that I see as being protected under
7 state laws. And we shouldn't have to, again, assume risks
8 that are caused by industrial uses either along the lake or
9 its tributaries within the Great Lakes system.

10 That also means that, if we were so inclined, that we
11 should be able to, you know, slip into the Grand Calumet
12 River with our boards, paddle out the river mouth, and
13 paddle to the near surf break, you know, to engage in that
14 activity. That's how these waters are designated.

15 So this is basically my introduction to saying what my
16 first, kind of, of two, you know, major issues or questions,
17 whatever you want to term it as, issues, I guess, are with
18 the permit as it's presented. And that is, I guess, with
19 the several exemptions that are cited in the fact sheet and
20 that are, I guess, implemented in the permit to the
21 antidegradation standards.

22 I'm just gonna focus on mercury because it's the one
23 PCC that's in the -- that's, you know, for which the
24 discharge is permitted in this permit, but I think I can
25 probably focus on a number of them. You know, with mercury,

1 there's two regulations that are addressed and then there
2 are exemptions that are cited. And the conclusion of the
3 department is basically that the discharge of mercury that's
4 going to be permitted, if this permit was issued as drafted,
5 would not cause a significant lowering of water quality or
6 degradation in the state's waters that are designated as
7 either high quality for its outstanding state resource
8 waters but the two highest designations that you have in the
9 state, and, you know, that includes Lake Michigan.

10 Without quibbling too much about those conclusions,
11 that's basically, from what I could tell, where the analysis
12 ended, with respect to mercury at least. But I guess my
13 question is: Why did it have to end there? I didn't see
14 any other discussion in the fact sheet about other
15 approaches toward regulating mercury or potentially other
16 pollutants of concern given the fact that there are these
17 other uses, nonindustrial uses, that are potentially at
18 issue and potentially in peril and that might continue to be
19 in peril, such as surfing. And I think if you consider all
20 the designated uses of this water, including surfing, I
21 think you might come to other conclusions.

22 Just quickly, you know, the antidegradation standard in
23 the state says that if the level of water quality necessary
24 to protect existing uses -- it says the level of water
25 quality necessary to protect existing uses shall be

1 maintained and protected; and if any of those uses are
2 impaired, that water quality shall not be lowered. You
3 know, my opinion would basically be that the level of
4 quality required to protect surfing -- and, of course, other
5 uses, but let's just focus on that -- is impaired, I
6 would -- you know, I think there's plenty of anecdotal
7 knowledge or experience that would support that. I would
8 offer my own. The Clean Water Act basically defines
9 impairment or it's been defined under that act many ways.
10 One court interpreted it as saying impairments not safe
11 enough to enjoy the use as designated. So, you know, it
12 doesn't mean you can't go out there and surf on the waves.
13 It just means you're doing it at your peril, and that's
14 basically a risk that the law says we should be protected
15 from.

16 As far as whether this is a use that's impaired or not,
17 I would also look at the department and EPA's own
18 conclusions when they designated all of this water that
19 we're talking about 20 years ago as an area of concern.
20 There are 14 different uses that you can look to, only one
21 of which has to be in peril when an area-of-concern
22 designation is granted. 20 years ago all 14 of them were
23 found to be in peril when that area-of-concern status was
24 given to this area. It was called the Grand Calumet area of
25 concern. And as of today, it's -- all 14 of those still

1 apply from the information that I could find. And, you
2 know, based on that, it includes beach closings and plenty
3 of other uses that are either directly or indirectly the
4 same as the designated uses that I just mentioned that are
5 higher priority than industrial when you look at the type of
6 water quality that's necessary to protect them.

7 So I bring this up because I just didn't see discussion
8 of these types of uses of the areas of concern and issues in
9 the fact sheet. And if they were addressed previously, you
10 know, I think they should probably be in the fact sheet and
11 be beefed up. If they weren't, I guess I'd probably have to
12 pause because it's strong evidence of impairment, not just
13 on a pollutant-by-pollutant basis, but on a use-by-use
14 basis. And, again, I think all these uses require a water
15 quality and protection level that's higher than industrial.

16 And, I guess, looking at the other evidence again
17 that's on the EPA website, you have to question. You know,
18 within this area of concern there's 52 CERCLA sites.
19 There's 420-some RCRA sites. There are sites of different
20 magnitudes. There are sites of unidentified sources of
21 contamination. And I think it gets to the point where you
22 can't really dispute whether activities or designated uses
23 such as surfing are impaired.

24 You know, I don't want to take too much time from
25 others; but there are other regulations that say, frankly,

1 for instance, that the department commissioner shall ensure
2 that the level of water quality in the state necessary to
3 protect all existing uses is maintained. So, I mean,
4 frankly, I would argue that that regulation is being
5 violated right now with respect to a whole host of uses. It
6 also says that controls should be established as necessary
7 on point sources of routes to ensure that criteria
8 applicable to a designated use such as surfing are achieved
9 in these waters.

10 So, again, I guess my general point here is that, if
11 water is impaired for a designated use like surfing, isn't
12 the first step to approaching these permit processes from a
13 standpoint of how do we get back to a level that protects
14 those uses, not just maintaining status quo or maintaining
15 the levels that were in previous permits.

16 Looking at something like mercury, I know that you
17 found two regulations that the permittee or the applicant
18 appears to be exempt from. But if other regulations in the
19 chapters that are cited in the fact sheet do apply, well,
20 then, you know, maybe these exemptions that have another
21 five-year window aren't the only ones that are to be looked
22 at. And there are standards in these regs that suggest that
23 maybe mercury needs to be looked at in greater detail and
24 not just from the standpoint of the industrial use of these
25 waters.

1 A quick point on mercury. Again, I know that you
2 covered this; but as far as the five-year ramp-up, you know,
3 there are statements in the fact sheet that talk about the
4 fact that this is not an increased loading of mercury or
5 that it's not going to -- you know, that existing discharge
6 flow was used to calculate the limits and that the projected
7 effluent quality is basically already there. Now some of
8 that language is hard to interpret, but it suggests to me
9 that the applicant might already be achieving those mercury
10 limits; and if so, I don't know why five more years is
11 required, you know, given that they've been able to
12 discharge mercury there at the site for, I think, about a
13 hundred years without any limits.

14 So, again, I think the regulations allow for stricter
15 controls on a site-by-site or output -- or outfall-by-
16 outfall basis, and I just don't -- again, it might be that
17 this was all covered several years ago; but the fact sheet
18 and other information that's readily available on your
19 websites is not at all clear that, from a use-by-use
20 standpoint, these issues have been addressed and that, you
21 know, designated uses of other than industrial uses have
22 been sufficiently covered.

23 I just have one other point. I'm just gonna, you know,
24 raise it while I'm up here, and then I promise to sit down.
25 I tried to find this out as well on the websites. I guess

1 I'd just like you to clarify in response to public comments
2 whether the Coastal Zone Management Act and the State's plan
3 that was approved under that act in 2002, whether that set
4 of laws and regulations applies to this permit process. If
5 it doesn't, just a quick explanation why. I think maybe
6 this was covered, like, eight years ago. If it doesn't
7 apply -- I mean, I couldn't find it in reasonably publicly
8 available documents and the certification documents by the
9 applicant and by the State. And then, also, I just want to
10 make sure that the interests of the surfers and other users,
11 who, again, seem to have a higher priority over industrial,
12 were taken into consideration in those documents.

13 Again, I just want to close by saying none of this is,
14 you know, meant to be disrespectful or adversarial to the
15 applicant. It's really just a matter of making sure that
16 these bases have been covered and, you know, making sure
17 that there are technologies out there that can, you know,
18 reduce pollutants or if they need to be employed to be
19 consistent with the laws that you have, you know, that the
20 State's passed that they are actually applied and put in
21 this permit before it is passed. Because, frankly, some of
22 these -- you know, these mercury rates say that it doesn't
23 matter what is in the books; it doesn't apply unless it's
24 specifically put into the NPDES permit. And so if it takes
25 raising these issues on the record or otherwise for it to be

1 put into the permit, then that's what, I guess, I would like
2 to do.

3 MR. PIGOTT: Thank you for your comments.

4 Vince Spaeth. If I mangled the name, I apologize.

5 MR. SPAETH: My name is Vince Spaeth, S-p-a-e-t-h.

6 My name is Vince Spaeth. I am the steel industry
7 manager for ChemTreat, Incorporated. I've been involved in
8 Gary Works for 20-plus years. My company is involved in
9 treating water for performance and environmental needs for
10 Gary Works, as well as many other industrial customers
11 within the area.

12 We work very closely with Gary Works to help ensure
13 water quality standards are met and continuous improvement
14 projects and goals developed and implemented every day.

15 Every day the emphasize is on safety and environment
16 first, then comes production. Gary Works' compliance record
17 of 99.99 percent plus with the existing NPDES permit
18 standards demonstrates the plant's stellar environmental
19 stewardship. I am proud of the proactive attitude and
20 commitment U.S. Steel takes and implements in order to
21 protect the environment and ensure compliance with the water
22 standards.

23 During the past 25 years, I've watched as many
24 Northwest Indiana and South Chicago mills have been
25 devastated and closed. The remaining mills will continue to

1 do business due to their strong commitment to their
2 customers, the communities they work in, and to the
3 environment in which they operate. U.S. Steel Gary Works is
4 one of the leading companies we must continue to count on
5 for our region's continued success at all levels.

6 The new permit draft will continue to challenge Gary
7 Works to invest in the environment while more closely
8 guarding the Grand Calumet River and Lake Michigan. Simply
9 stated, passing the new permit will allow everybody to win.
10 I am confident U.S. Steel is committed to meeting and
11 exceeding the new permit as they have in the past.

12 We need this mill for the viability of the region. I'm
13 very proud of the attitude and commitment they take every
14 day. You would be very proud if you could walk in the doors
15 and see that commitment every day.

16 I support the new permit and hope the EPA and IDEM and
17 the community will as well.

18 Thank you very much.

19 MR. PIGOTT: Thank you.

20 Karen Tallian.

21 SENATOR TALLIAN: I'm Karen Tallian. Ms. Pickering, do
22 you have that spelling?

23 THE COURT REPORTER: I do. Thank you.

24 SENATOR TALLIAN: Hi, Terry.

25 THE COURT REPORTER: Hi.

1 SENATOR TALLIAN: I'm the State Senator from District
2 4, which includes parts of Porter County and Lake County.
3 I'm also on the Senate Energy and Environment Committee as
4 well as on the EQSC.

5 I want to thank IDEM and U.S. Steel for the work they
6 have done for the past two years to get this permit done. I
7 believe that I was at the very first meeting that was held
8 on this sometime in the spring of 2007. And this is how
9 this process is supposed to work. You have hearings. You
10 have comments. And most importantly, we had responses to
11 the comments both by IDEM and the steel company to end up
12 with a permit that has been significantly improved since
13 2007.

14 I also want to commend U.S. Steel for its efforts in
15 what I think is a really good effort towards transparency
16 and keeping the public involved. They've had more meetings
17 than they were required to have. Some of them weren't very
18 well attended, but they did have the meetings.

19 I'm very pleased to see that -- I think that the
20 current operating -- the new operating permit will not have
21 any significant increase in discharge limits, and I hope we
22 can get the few remaining technical issues resolved, get
23 this permit issued because I know that there are several
24 more in front of you.

25 Thank you.

1 MR. PIGOTT: Thank you.

2 Susan Grenzebach.

3 MS. GRENZEBACH: Are you ready?

4 THE COURT REPORTER: Sure.

5 MS. GRENZEBACH: Do you have the Susan part?

6 THE COURT REPORTER: Yes.

7 MS. GRENZEBACH: G-r-e-n-z-e-b-a-c-h.

8 My name is Susan Grenzebach, and I'm part owner of a
9 small business located here in Northwest Indiana. We have
10 25 full-time employees and approximately 11 part-time
11 employees. Like so many companies in the region, our
12 business is very dependent on the success of Gary Works,
13 who, as the largest steel manufacturing plant in the country
14 has had a very positive impact on our region's economy.
15 They retain many jobs for our citizens either directly or
16 indirectly through contracted business services.

17 My company provides Gary Works with environmental
18 compliance monitoring and support in addition to compliance
19 project management and engineering. We've been providing
20 our services to U.S. Steel for many years and are very proud
21 of our association with Gary Works.

22 The NPDES permit under discussion tonight will ensure
23 that U.S. Steel complies with some of the most stringent
24 regulations in place to protect human health and the
25 environment. While Gary Works has a long history of

1 environmental compliance, issuance of this permit will go a
2 long way towards strengthening its environmental profile.

3 My company has a direct stake in the success of U.S.
4 Steel's compliance record in that we assisted them in the
5 development and implementation of the storm water pollution
6 prevention plan which is associated with this permit.

7 I'm also the certifying engineer for the plan, which is
8 a responsibility that I take very seriously, as it reflects
9 on our reputation and credibility. I do want to make an
10 additional comment about adding the plan to the permit
11 document itself. I tend to disagree because it may impede
12 some of the improvement requirements and updates required to
13 the plan. You have to go through a permit modification
14 process.

15 I can assure you that U.S. Steel is committed to
16 protecting the environment, having already achieved a near
17 perfect record on environmental compliance. Issuance of
18 this permit will ensure that it builds on these successes
19 and continues to improve the environment, the environmental
20 protection of our area and to Lake Michigan. I trust that
21 Gary Works will continue to meet and exceed these discharge
22 standards just as they have done for many years.

23 Thank you for the opportunity to speak in support of
24 Gary Works, and we look forward to continuing to work with
25 them for many years to come.

1 MR. PIGOTT: Thank you.

2 Jayson Reeves.

3 MR. REEVES: Good afternoon. Thank you to the
4 gentleman. My name is Jayson Reeves, and that's
5 J-a-y-s-o-n, Reeves, R-e-e-v-e-s.

6 I'd like to thank the Indiana Department of
7 Environmental Management for letting me speak. As other
8 people, I do some writing in terms of a small organization
9 called Hurn Foundation. Basically it serves two purposes,
10 endowment of business and engineering solutions to promote
11 engineering as well as some political matters. One concept
12 of it is -- I'm an engineer professional, not a licensed
13 professional engineer.

14 I appreciate you all letting me speak tonight. Just
15 like a number of other people, I'm very grateful for some of
16 the things I've understood about U.S. Steel Corporation over
17 the years. There's been some good, but then there's been
18 some bad. This has occurred in a number of different
19 corporations, especially along the Little Calumet -- I mean
20 the Grand Calumet River as it applies to me growing up in
21 Northwest Indiana, understanding certain conditions that
22 have occurred on the lake, sea life and different things
23 like that, but then understanding how important industry is
24 to our society.

25 I'm making brief comments. I'm not submitting anything

1 for the record tonight, but I think my comments are very
2 important. In terms of your decisions tonight, in terms of
3 drafting a wastewater permit, in reference of U.S. Steel
4 Corporation, I'm hopeful that you will take in consideration
5 the economy and the effect of business as well as some
6 engineering and operating standards. When I discuss
7 engineering and operating standards, it goes into the
8 concept that Northwest Indiana, like so many other regions,
9 we have suffered issues of flooding, issues where storm
10 water and wastewater -- we're slightly behind. This was
11 stated in certain documents with the American Society of
12 Civil Engineering. So I understand the level of effort that
13 U.S. Steel has to make; but also I understand that as a
14 broad concept of things, that Indiana Department of
15 Environmental Management and others, you know, maybe can
16 work together and focus on these things together. Because
17 if this occurs throughout the United States -- it's not just
18 Northwest Indiana but it's all over. But then on the same
19 token, we shouldn't look toward anything other than what we
20 can do as the best for this area, because, you know, the
21 wastewater capacity in the steel industry, it consists of
22 chemical, mechanical, and industrial processes. And these
23 mechanical and chemical processes are vital and important to
24 the product that they manufacture and to the sales and
25 distribution process. But then on the same token, the

1 environment is vitally important.

2 So in reference to that, also I want to explain that in
3 terms of my understanding of wastewater, I take it that this
4 is a wastewater permit, and one other -- one consideration
5 is that no intake in terms of the effluent will be accepted
6 from nobody but U.S. Steel. So basically U.S. Steel's
7 wastewater treatment process will more so consist of the
8 wastewater in their facility, which I think is tens of
9 thousands of gallons a day or something like that. It's an
10 enormous amount.

11 So I hope that that's reviewed in the right capacity as
12 well as the engineering processes and procedures that U.S.
13 Steel has pursued along the way. You know, even if there's
14 something that they have a problem with, I hope that they
15 can work to find the solution as well as you all, you know,
16 taking under consideration, Have we achieved it in the right
17 capacity? If we haven't, you know what, let's try to find a
18 solution for it.

19 The other concept of it is that there's other
20 constituents in terms of public private businesses that must
21 be held -- you know, that we should recognize accountability
22 of in terms of storm water effluence. Effluence in terms of
23 sanitary districts or whatever, as you discussed Broadway to
24 Clark Road. The Grand Calumet is a large river. And you
25 know what? We need businesses to survive, but we also need

1 the compliance of this river to be in order, and we really
2 don't need any environmental damage that we seen 10, 15, 20
3 years ago. There's been improvement; but then on the same
4 token, there's still issues and priorities that we have to
5 address together.

6 I'm almost pretty much finished here. One thing --
7 what I'm hoping for is that a format in terms of this
8 wastewater permit and draft is that the format of the draft
9 is disciplined for the different companies in a responsible
10 way that they operate in terms of each and all of them
11 trying to comply. And this is not just public private
12 companies but also government. You know what? You have
13 sanitary districts -- you know what? -- with good and bad
14 operating capacities. I'm not happy with it. I've
15 discussed it from time to time. You have companies that
16 have the same responsibilities and concerns. You have some
17 companies that don't actually have wastewater treatment
18 plants. So you know what? I hope you take those things
19 into consideration as you try to make this wastewater
20 treatment process appropriate for U.S. Steel Corporation as
21 U.S. Steel tries to do the best they can to be a productive
22 part of the wastewater concern of Indiana's Department of
23 Environmental Management as well as the Environmental
24 Protection Agency of the United States government.

25 Thank you very much.

1 MR. PIGOTT: Thank you, Mr. Reeves.

2 Robin Myers.

3 MS. MYERS: My name is Robin Myers, R-o-b-i-n,
4 M-y-e-r-s.

5 Firstly, thank you for allowing us to speak tonight to
6 demonstrate support for Gary Works' NPDES permit. My name
7 is Robin Myers, and I'm here on behalf of Harsco Metals, a
8 division of Harsco Corporation. We are a provider of
9 industrial services, logistics, and engineered products to
10 the steel industry.

11 As a vendor of Gary Works, I know personally the
12 importance of this facility, not only to my business, but
13 also to the entire region. Our company supplies necessary
14 manpower and heavy equipment to furnish the blast furnaces
15 with screened iron repellents for the iron-producing
16 process. We also provide vital support services in the area
17 of landfill operations.

18 Harsco Metals would also like to thank the USEPA and
19 the Indiana Department of Environmental Management for
20 ensuring that this permit will protect Lake Michigan and the
21 Grand Calumet River. Those of us who live in this region
22 appreciate U.S. Steel's commitment to Gary Works as a viable
23 and competitive steel-producing facility. As previously
24 stated, Gary Works has been an important part of our
25 community for 100 years.

1 U.S. Steel has consistently demonstrated its commitment
2 to the environment by investing millions of dollars in
3 modernized facilities and advanced technology to minimize
4 environmental impacts on our natural resources. America's
5 ability to produce steel is vitally important to our economy
6 and our national defense. Our country must be able to
7 provide steel to U.S. manufacturers; otherwise, we become
8 captive to foreign imports from other countries that do not
9 trade fairly with the United States.

10 Many of the opponents of Gary Works believe that there
11 cannot be a balance between manufacturing and protecting the
12 environment. They would rather see Gary Works shut its
13 doors. We believe that we can have a strong manufacturing
14 base in this region and still protect the environment, and
15 this permit will allow us to do that.

16 The success of our company, those we employ, their
17 families, the community in which we live, and our economy
18 depend on the success of Gary Works. We must ensure Gary
19 Works remains a strong, competitive, and productive employer
20 in Northwest Indiana. So because of this, we urge IDEM to
21 issue this permit.

22 Thank you.

23 MR. PIGOTT: Steven Sieracki.

24 MR. SIERACKI: Good evening. My name is Steven
25 Sieracki. Last name, S-i-e-r-a-c-k-i. I'm the vice

1 president of operations for Central Teaming Company, and I'm
2 a registered professional engineer. Our company has been
3 doing business with U.S. Steel at the Gary Works facility
4 for over 50 years. We've always had a strong relationship
5 with Gary Works and appreciate everything they have done for
6 Northwest Indiana.

7 As someone who lives and works in Northwest Indiana, I
8 firmly believe we all have a commitment to improve the
9 quality of our region's air, water, and soil for our
10 children and for future generations.

11 The Gary Works facility has been an important part of
12 Northwest Indiana and our country for over 100 years. U.S.
13 Steel employs more than 5,000 workers at the Gary Works
14 plant and has made many improvements over the years to be
15 almost 100 percent compliant with the existing NPDES
16 permit. U.S. Steel is committed to protecting the
17 environment. Part of this is through their CITE program,
18 Continuous Improvement to the Environment. I firmly believe
19 U.S. Steel will continue to become more environmentally
20 conscious and strive to improve the environmental protection
21 of our area and of Lake Michigan.

22 Issuing this permit will ensure that U.S. Steel remains
23 a leader in the steel industry and be environmental leader
24 in Northwest Indiana.

25 Thank you for the opportunity to speak tonight in favor

1 of Gary Works. On behalf of our employees and their
2 families, I urge IDEM to renew the permit.

3 MR. PIGOTT: Thank you.

4 Will Colon.

5 MR. COLON: Will, W-i-l-l, Colon, C-o-l-o-n.

6 Thank you for letting me speak before you today. I
7 appreciate IDEM giving the affected stakeholders the
8 opportunity to provide feedback at this public hearing.

9 My company has been working alongside the U.S. Steel
10 Gary Works plant for over 30 years. I'm president of a
11 company called KM Plant Services, and we provide
12 environmental cleanup, on-site cleanup at the Gary Works.
13 We've always had a strong relationship with Gary Works, and
14 we appreciate that they have done -- what they have done for
15 the community.

16 Like many people here tonight, I live and work in
17 Northwest Indiana; and more importantly, I raise my family
18 here. I believe we have a commitment to improve the quality
19 of our region's air, water, soil for future generations to
20 come.

21 Renewal of the permit under consideration would ensure
22 U.S. Steel complies with some of the most strict
23 environmental rules and regulations in place to protect our
24 environment, while providing significant opportunities to
25 Gary Works' 4,900 employees, local customers, vendors,

1 contractors, and the economy of Northwest Indiana.

2 As a vendor and a resident, the reputation of Gary
3 Works means a lot to the area's economy and me. We need
4 this plant for the viability of our region and I urge you to
5 issue this permit. I can proudly support Gary Works, and I
6 urge you to issue the permit because I know that Gary Works
7 has made every effort to comply with all of the
8 environmental regulations in this region.

9 Thank you.

10 MR. PIGOTT: Steve Beemsterbane [phonetic].

11 MR. BEEMSTERBOER: Close.

12 MR. PIGOTT: I know you'll do a better job than I did
13 pronouncing your name.

14 MR. BEEMSTERBOER: Steve Beemsterboer,
15 B-e-e-m-s-t-e-r-b-o-e-r. I'm president of the Beemsterboer
16 Companies. We're a subcontractor at U.S. Steel. We've been
17 in the steel mills -- we're third generation. And I have
18 seen great improvements. I'm happy that there's a young man
19 that wants to go surfing. I remember a time when I was a
20 little younger than him where you might not have wanted to
21 go in the water. Thanks to the EPA and IDEM and companies
22 like U.S. Steel, there's been great improvement and that
23 should be recognized.

24 I just want to say balance. You guys have a tough job
25 to do. Industry has a tough job to do. There needs to be a

1 balance in the middle. We feel that this draft permit
2 reaches that balance and we strongly urge you to issue it.

3 Thank you.

4 MR. PIGOTT: Thank you.

5 Kay Nelson.

6 MS. NELSON: Kay, K-a-y, Nelson, N-e-l-s-o-n.

7 Good evening. Kay Nelson. I'm the director of
8 environmental affairs for the Northwest Indiana Forum. And
9 thank you for letting us have this opportunity to comment on
10 the U.S. Steel NPDES permit.

11 The Northwest Indiana Forum is a nonprofit regional
12 economic development organization servicing the members of
13 Lake, Porter, and LaPorte and Starke Counties. Our focus is
14 the retention and creation of quality employment
15 opportunities that sustain and enhance our environment and
16 quality of life for the residents of Northwest Indiana.
17 Protection of the environment while enhancing global
18 competitive positions are of the highest priorities to our
19 members at the forum.

20 The forum is pleased to see that the proposed draft
21 permit being considered for the Gary Works facility contains
22 more stringent limitations on 15 percent of the parameters;
23 that it increases the number of monitoring limits by
24 approximately 30 percent; that it does not allow for any
25 increase in permitted levels of discharge concentration; and

1 that it enhances outfall data collection via continuous and
2 24-hour composite monitoring requirements.

3 As the regulatory permitting notification and comment
4 period process as followed by the state and federal agencies
5 has evolved over the past many years to obtain public
6 comment, the significant comments were made by the general
7 public and USEPA on the draft permit in 2007; and we're
8 pleased to see that they have been addressed in this 2009
9 version.

10 Of importance to the citizens and the business
11 community, the draft permit reflects changes to enhance
12 compliance schedules, the elimination of some compliance
13 schedules, and requiring additional studies on the intake
14 water with regard to the aquatic life. Most importantly the
15 receipt of technically, scientifically, and legally based
16 environmental permits are crucial to our nation's quality of
17 life and global competitiveness.

18 American businesses must be certain that the state and
19 federal regulatory agencies execute their roles and
20 responsibilities in a fashion whereby the receipt of an
21 environmental permit allows the continuance and/or expansion
22 of a facility to occur without interruption following permit
23 issuance. Referred to as permitting certainty, the lack of
24 such certainty can negatively impact investment decisions
25 related to long-term capital improvement projects.

1 Corporate long-range economic development projects can only
2 be implemented, rightfully so, with the receipt of quality
3 environmental permits.

4 To this end, we are thankful for the opportunity to
5 provide the forum's continued support of the issuance of
6 quality environmental permits in Northwest Indiana by IDEM
7 and EPA when necessary.

8 Thank you.

9 MR. PIGOTT: Thank you.

10 I have no more cards before me, but there may be people
11 that either wanted to fill out cards or didn't want to fill
12 out cards but have been here waiting patiently and may have
13 something that they'd like to say. If there's somebody
14 who's interested in coming up and making further comments,
15 could you just raise your hand please. Okay. I don't see
16 anyone raising their hand. I don't want to deny anyone the
17 opportunity to come forward and make their comments. We're
18 very interested in them.

19 Again, if there's any of you that want to make
20 comments, we'll end the hearing now because I haven't seen
21 any; but we're also here for a few minutes while we pack
22 up. If you have comments or questions for us while we're
23 getting ready to go, please feel free to come up and talk to
24 us.

25 And I want to thank you for attending the hearing

1 tonight. As I said before, we're having a transcript of
2 this public hearing put together so that we can, not only
3 listen to the comments made here, but also take them into
4 consideration when we review the other comments we get in
5 writing and determine whether or not we need to make changes
6 in the permit due to the comments that were made. Responses
7 to comments are included with the issuance of a final
8 permit.

9 And, again, any comments that you think you have as
10 you're walking out the door or you have tomorrow, please
11 write us a note and let us know what they are. Send them to
12 us postmarked by November 30th and we will include those.
13 Also, those people that signed up, we'll send a notice of
14 decision regarding the final permit when we get to that
15 point.

16 Thanks again for attending the hearing tonight.

17 (The hearing was
18 concluded at 7:40 p.m.)

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1 STATE OF INDIANA)
2 COUNTY OF PORTER)

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4
5 REPORTER'S CERTIFICATE

6
7 I, TERRY M. PICKERING, do hereby certify and state the
8 above and foregoing 66 pages is a true, correct, and complete
9 transcript of the Public Hearing held at Indiana University
10 Northwest, 3400 Broadway, Savannah Center Auditorium, Gary,
11 Indiana, regarding the NPDES Permit Modification for Discharge
12 into Navigable Waters, taken by me on said date, transcribed by
13 me from my original stenotype notes, and reduced to typewriting
14 by me.

15 I further certify that I am not related to, employed
16 by, or interested in any party to these proceedings.

17 IN WITNESS WHEREOF, I hereby affix my name and seal
18 this 25th day of November 2009.

19
20
21 

22 TERRY M. PICKERING
23 Court Reporter and Notary Public

24 My commission expires August 30, 2015.

25
 SEAL